

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOEL PENA

Plaintiff,

-against-

ADIDAS AMERICA, INC.;  
FOOTLOCKER STORES, INC.;  
STOCKX, LLC; ET AL.

Defendants.

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No. 1:19-cv-09342 (RA) (OTW)

**[PROPOSED] ORDER**

**ONA T. WANG, United States Magistrate Judge:**

It is HEREBY ORDERED that

The Court's December 18, 2020 Order, ECF 53, is amended to read as follows: Robert G. Lopez shall appear for a virtual deposition on **January 15, 2021, beginning at 10:00 am.** Defendant adidas America, Inc. ("adidas") shall take all reasonable measures to ensure that, no later than January 11, 2021, the court reporting service Veritext Legal Solutions ("Veritext") provides Mr. Lopez, via email addressed to trademarkrob@gmail.com, with instructions on how to access Veritext's virtual deposition software and the associated Exhibit Share software (collectively, the "Software"). Mr. Lopez shall work timely and in good faith with Veritext to set up and test his access to the Software.

If, after doing so, Mr. Lopez believes in good faith that, beyond his reasonable control, there exist any technical issues with the Software and/or Mr. Lopez's access to the Software, then Mr. Lopez shall inform adidas of all such issues no later than January 14, 2021 at 1:00 pm, via email to adidas's counsel of record. Mr. Lopez shall then work in good faith with adidas and Veritext to resolve any such issues prior to the beginning of the scheduled deposition, including by participating in telephone calls with adidas and Veritext on the afternoon of January 14 and

the morning of January 15 prior to 10:00 am. The parties and Mr. Lopez are warned that failure to comply with the foregoing or to act in good faith may result in the imposition of sanctions, including monetary sanctions, contempt of court, and the shifting of attorneys' fees and/or costs.

Defendants are directed to serve a copy of this Order on Mr. Lopez.

**SO ORDERED.**



Dated: January 5, 2021  
New York, New York

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**Ona T. Wang**  
United States Magistrate Judge